

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WHEATLAND
APPROVING AMENDMENT NO. 2 TO
CITY OF WHEATLAND DEVELOPMENT AGREEMENT
CONCERNING HERITAGE OAKS ESTATES-EAST SUBDIVISION**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1. Purpose and Authority. The purpose of this ordinance is to approve *Amendment No. 2 to City of Wheatland Development Agreement Concerning Heritage Oaks Estates-East Subdivision* in the form attached hereto and incorporated herein (the “Development Agreement Amendment No. 2”). This ordinance is adopted pursuant to Government Code section 65867.5 and other applicable law.

SECTION 2. Findings. The City Council finds and determines as follows:

a. On February 28, 2006, the parties entered into the *City of Wheatland Development Agreement Concerning Heritage Oaks Estates-East Subdivision*, which was recorded in the Yuba County Recorder’s Office on April 18, 2006 as Document No. 2006R-007610, as previously amended by Amendment No. 1 to that development agreement, which was recorded in the Yuba County Recorder’s Office on September 11, 2008 as Document No. 2008R-014196. For the reasons explained in the recitals of the Development Agreement Amendment No. 2, the parties desire to amend the Development Agreement.

b. The Wheatland Planning Commission has conducted a duly noticed public hearing in accordance with law, and recommends that the City Council approve the Development Agreement Amendment No. 2.

b. The City Council has conducted a duly noticed public hearing in accordance with law, and now desires to approve the Development Agreement Amendment No. 2.

c. The City Council has evaluated the Development Agreement Amendment No. 2 and the City General Plan and has determined that the Development Agreement Amendment No. 2 is consistent with the General Plan.

SECTION 3. CEQA Findings. In accordance with Public Resources Code section 21166 and California Environmental Quality Act (CEQA) Guidelines section 15162, the City Council finds and determines as follows:

a. The potential environmental effects of the development project described in the Development Agreement Amendment No. 2 and the Development Agreement, as previously amended by Amendment No. 1 to that development agreement, (the “Project”) have been analyzed, considered and mitigated through a final environmental impact report (“EIR”) prepared and certified in 2003

pursuant to CEQA. See City Council Resolution No. 50-03.

b. The City has evaluated and considered the changes to the Project that would be implemented by the Development Agreement Amendment No. 2. The Project changes do not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

c. The City has evaluated and considered the changes with respect to the circumstances under which the Project is being undertaken. The changes with respect to the Project circumstances do not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

d. The City is not aware of any new information of substantial importance that discloses that the Project will have other or more severe significant environmental effects not previously discussed or that previously rejected or other mitigation measures or alternatives are now feasible and effective.

e. Therefore, the 2003 EIR remains adequate and no subsequent EIR or further CEQA environmental analysis is required for the Project or Development Agreement Amendment No. 2.

SECTION 4. Amendment Approval. The City Council hereby approves the Development Agreement Amendment No. 2 in the attached form and authorizes and directs the City Manager to execute the Development Agreement Amendment No. 2 on behalf of the City and to record the Development Agreement Amendment No. 2 with the Yuba County Recorder within 10 days of the date of this ordinance.

SECTION 5. This ordinance shall take effect 30 days after its final passage.

SECTION 6. Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

INTRODUCED by the City Council on the ____ day of _____ 2010.

PASSED AND ADOPTED by the City Council of the City of Wheatland on the ____ day of _____ 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Enita Elphick, Mayor

Attest:

Lisa J. Thomason, City Clerk

I hereby certify that the foregoing is a true and correct copy of City of Wheatland Ordinance No. _____, which ordinance was duly introduced, adopted and posted pursuant to law.

Lisa J. Thomason, City Clerk